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Report of the Secretary-General on the situation concerning Western Sahara

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1979 (2011) of 27 April 2011, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2012 and requested a report on the situation in Western Sahara before the end of the mandate period. The present report covers developments since the issuance of my report dated 1 April 2011 (S/2011/249) and describes the situation on the ground, the status and progress of the negotiations and the existing challenges to the Mission's operations, as requested by the Council in its resolution 1979 (2011).

II. Recent developments in Western Sahara

2. The reporting period was marked by a number of significant developments in or related to the Territory. Within the Territory, largely peaceful demonstrations of up to 200 Western Saharan protestors were held periodically in Laayoune and other major towns, seeking, inter alia, self-determination for the Territory, the release of political prisoners, and/or employment and social welfare benefits. As the year progressed, and once local authorities had reportedly addressed some of the grievances, the frequency of the demonstrations decreased. There was a temporary spike in the demonstrations in January 2012, with the approach of the trial of Western Saharans arrested after the Gdim Izik violence (S/2011/249, paras. 8 and 91) and in reaction to the steps taken by Morocco and Spain to introduce a new European Union accord with Morocco on fishing and agriculture.

3. Deadly violence, however, erupted in the coastal city of Dakhla on 25 September 2011. The parties gave conflicting accounts of the events. The Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario) contended that one Western Saharan had been killed and more than 100 others arrested, as Moroccan civilians, backed by Moroccan security forces, attacked a peaceful Western Saharan demonstration, protesting the killing of one of their own following a soccer match between a mixed local team and a Moroccan team. In letters addressed to me dated 27 September and 3 October, Frente Polisario leader Mohamed Abdelaziz called for the protection of the Western Saharans and the release of those allegedly arrested by Moroccan security forces after the incident.

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4. In contrast, in a statement delivered on 30 September 2011, the Moroccan Minister of the Interior stated that seven people, including two police officers, and three civilians who had been run over by a vehicle driven by known criminals, had been killed in the Dakhla clashes. The Government reported that it was treating the incident as hooliganism, although other motives were not precluded, among them community tensions, disputes over the distribution of Government assistance and subsidies and competition for employment in the rapidly developing local economy of the city.

5. As tensions mounted, my Special Representative for Western Sahara, Hany Abdel-Aziz, visited Dakhla from 25 to 27 September and met with a range of officials and tribal leaders. Subsequently, the Mission temporarily deployed a political affairs officer to the area in November to assess the situation after the incident.

6. King Mohammed VI appointed a consultative commission to draft a new constitution for Morocco, which was endorsed by a public referendum on 1 July 2011. The text contains provisions related to "regionalization" for the provinces, including Western Sahara, and to the Moroccan autonomy plan for Western Sahara. The referendum was followed by legislative elections on 25 November and the formation of a new government headed by Prime Minister Abdelilah Benkirane. The polls for the referendum and for the legislative elections were also held in the Territory west of the berm, although their legality has not been determined. As it had done in relation to the 2007 Moroccan parliamentary elections held in the Territory (S/2007/619, para. 3), Frente Polisario condemned the inclusion of Western Sahara in the ballots, which were nonetheless conducted in peaceful conditions. In addition to the referendum and the elections, Morocco celebrated the twelfth anniversary of the King's enthronement in July and the thirty-sixth anniversary of the "Green March" in November. On both occasions, the King spoke in favour of regionalization and the autonomy plan for Western Sahara and pledged to work for the return of the refugees in Tindouf, Algeria. He reiterated Morocco's readiness to achieve a solution to the conflict within the framework of the Kingdom's national unity and territorial integrity.

7. Frente Polisario held its 13th General Peoples' Congress in December 2011, followed by the formation of a new government and, in mid-February, "Saharan Arab Democratic Republic" legislative elections. Frente Polisario leader Mohamed Abdelaziz was re-elected as head of the movement. The Congress approved a number of structural governance changes to expand participation, and representatives from the part of the Territory controlled by Morocco participated for the first time since the 1991 Congress. Frente Polisario leaders maintained the requirement for a referendum on self-determination and independence for Western Sahara throughout the proceedings. Participants, particularly the younger generation, called for the adoption of further reforms, including new approaches to change the status quo. Youth groups also demonstrated in Tindouf in late 2011 and March 2012, calling on Frente Polisario leader Abdelaziz for party reforms. Prior to the Congress, the national secretariat of Frente Polisario convened in August to discuss a range of organizational, policy and regional matters. During the reporting period, Frente Polisario also commemorated the thirty-sixth anniversaries of the "National unity" declaration and of the "Saharan Arab Democratic Republic", and the first anniversary of the Gdim Izik camp events.

8. On 14 December, the European Parliament rejected the extension of the 2007 European Union-Moroccan Fisheries Partnership Agreement. The Agreement had been extended on 13 July, with a new clause requiring Morocco to provide proof that Western Sahara benefited from the fishing proceeds. The comments of the Rapporteur of the Parliament's Committee on Fisheries indicated that there were disputed legal issues with regard to Western Sahara. In the case of the Agreement, the issue at hand concerned whether or not the Agreement directly benefited the Western Saharan people. The opinion of the European Parliament's Committee on Development cited similar concerns and referred to the 2002 advisory opinion of the United Nations Legal Counsel (S/2002/161) in suggesting that any exploration or exploitation activities in Western Sahara could proceed only if they were to benefit the people of Western Sahara and be according to their wishes. In February 2012, the European Parliament gave its consent to concluding an agreement concerning reciprocal liberalization measures on agricultural and fishery products and adopted a related resolution, which called for the European Commission to ensure that the agreement was fully consistent with international law and benefited all the local population groups affected. Frente Polisario leader Abdelaziz condemned the agreement in a letter addressed to me on 25 February, further to his previous letters urging exclusion of Western Saharan waters from the accord.

III. Activities of my Personal Envoy

9. The period under review witnessed developments in the region related to the emergence of the Arab Spring. Triggered by unrest linked to unemployment, poverty and corruption, the movement expanded into wider claims for respect for human rights and the rule of law. Within this context, the parties to the Western Saharan conflict, as well as the neighbouring States, experienced important political developments of their own, with potential but uncertain effects on the negotiating process.

10. By the end of the three rounds of informal talks held between March 2011 and March 2012, the parties had reaffirmed their strong commitment to the negotiating process, agreed to continue discussing specific subjects of mutual interest, such as natural resources and demining, and had taken steps to implement prior agreements on confidence-building measures and to explore new ones. However, on the core issues concerning the future status of Western Sahara and the means by which the self-determination of the people of Western Sahara was to occur, no progress was registered. The parties continued to maintain what my Personal Envoy had previously characterized as "unyielding adherence to mutually exclusive positions". In short, they continued to demonstrate the political will to meet at regular intervals and to engage on subsidiary issues, but had yet to demonstrate the political will to break the stalemate.

A. Seventh round of informal talks

11. From 5 to 7 June 2011, the parties met for a seventh round of informal talks at the Greentree Estate in Manhasset, New York. The purpose of the meeting was to review and exchange views on the guidance provided by the Security Council in its resolution 1979 (2011), to encourage the parties to deepen their discussion of their

respective proposals, to expand their exploration of innovative approaches and discrete topics for discussion and to examine the ideas put forth in paragraph 120 of my report (S/2011/249).

12. As in previous informal meetings, the parties again discussed their two proposals, but it was once again clear that neither party was prepared to accept the proposal of the other. However, for the first time, the parties engaged in exchanges on the mechanism for self-determination of the Western Saharan people. They also began discussing demining and requested the assistance of the United Nations Secretariat in proposing a framework for reflection for future exchanges on natural resources.

13. While both parties have emphasized their full commitment to the search for a solution, it has become clear that a lack of trust continues to haunt the negotiating process and that each party harbours deep suspicions of the other. The Moroccan delegation has expressed concern that Frente Polisario was attempting to steer the talks back to the previous peace plan put forth by former Personal Envoy James Baker, instead of embracing Morocco's autonomy proposal. The Frente Polisario delegation has voiced concern that Morocco was exploiting the pursuit of innovative approaches and discrete subjects for discussion in order to divert the talks from the examination of the two proposals put forth in April 2007 and to present the international community with the appearance of progress.

B. Eighth round of informal talks

14. The parties held an eighth round of informal talks from 19 to 21 July 2011, also at the Greentree Estate, to re-examine their two proposals and to discuss one or more of the innovative approaches or discrete subjects previously agreed. There was no breakthrough in substance since the parties maintained their respective positions. However, agreement was reached on holding an expert-level meeting in Geneva on natural resources and to begin building a common database of existing natural resources and how they are being exploited.

15. During the eighth informal meeting, Morocco indicated that, because of its upcoming elections and the resulting formation of a new government, it would not be able to attend another round of talks or receive my Personal Envoy until January 2012. Frente Polisario indicated its readiness to meet later in 2011 but was unavailable in either December 2011 or most of January 2012 because of its annual Congress and internal elections. My Personal Envoy therefore proposed that a new round of talks be held from 11 to 13 February 2012. However, competing demands on the heads of the delegations of both parties and the neighbouring States required a further postponement. After consultations with all concerned, a new round of informal talks was scheduled to be held from 11 to 13 March 2012 at the Greentree Estate (paras. 22-25).

C. Visits to the capitals of the members States of the Group of Friends of Western Sahara

16. During the hiatus between the informal meetings, my Personal Envoy visited the capitals of the members States of the Group of Friends of Western Sahara and

held several bilateral meetings with the parties and the neighbouring States. From 3 to 8 November 2011, he visited Madrid, Paris and Moscow, having earlier consulted with senior officials in Washington, D.C., on 14 October 2011. He visited London on 15 December 2011 to complete the visits to the capitals. The meetings were useful, reflecting strong support of the efforts of the United Nations, continued commitment to the framework of direct negotiations set forth by the Security Council in successive resolutions and a fresh interest in moving beyond the status quo in order to find a solution.

17. In the course of his meetings, my Personal Envoy sought the support of the Group of Friends for two ideas on which he had briefed the Council on 26 October 2011: consultations with and dialogue among a cross-section of Western Saharans; and consultations with a group of respected Maghreb representatives on Western Sahara. He explained that the purpose in both cases was not to replace the negotiators but to encourage discussions, new ideas and even proposals that could be put to the negotiators for their consideration. It was a way of broadening the thinking on the future status of Western Sahara and of generating new ideas that might help the parties to overcome their inability to move beyond their mutually exclusive positions. While the members of the Group of Friends expressed broad support for the two initiatives, both Morocco and Frente Polisario subsequently expressed reservations. My Personal Envoy has not abandoned the two initiatives and plans to discuss them further with the parties.

18. In the capital of each member State of the Group of Friends, my Personal Envoy also underlined that it was vital for the United Nations and the international community as a whole to have access to reliable, independent information on developments in both Western Sahara and the refugee camps in order to consider how best to promote a settlement. This could be achieved through expanded reporting by MINURSO and more frequent visits to both Western Sahara and the refugee camps by diplomats, journalists and others. There was broad agreement that more and better independent information was needed and that MINURSO personnel should enjoy full freedom of movement and outreach in Western Sahara and the camps and have the ability to carry out transparent reporting on significant developments, as exists in other peacekeeping operations around the world.

D. Meeting on natural resources

19. From 8 to 11 November 2011, my Personal Envoy visited Geneva to meet with United Nations agencies and to co-chair an expert-level meeting of the parties on natural resources in Western Sahara, as agreed during the eighth round of informal talks. He made it clear throughout the meeting that the discussion was merely technical and that the issue of the final status of Western Sahara should be put aside. However, the parties engaged in heated discussions and mutual accusations of a political nature, with the result that exchanges on the technical issues were limited. That said, the Moroccan experts gave detailed presentations on the status of selected resources such as fisheries, water and minerals, as well as on environmental topics such as climate change and pollution, while the Frente Polisario expert described contracts, awarded to a variety of international companies for exploration of oil and mineral resources, that were contingent upon a settlement of the Western Saharan conflict that would lead to independence.

20. The Moroccan delegation stated that Western Sahara had limited natural resources and required heavy infrastructure investments financed by the Moroccan State to ensure its viability, particularly with regard to water services. It also affirmed that the income obtained from such exploitation benefited the local population and was sustainable. Frente Polisario strongly disagreed with both statements and stressed the illegality of the unsustainable exploitation of the resources of a non-self-governing territory. It also called for United Nations verification missions to ensure the sustainable exploitation of Western Sahara's natural resources. While it was clear that the parties disagreed on the current state of the natural resources and the environment in the Territory, they discussed possible next steps that could be taken on the topic during the next informal meeting, in order to attempt to build a commonly agreed database as a basis for further discussion.

E. Geneva meeting on confidence-building measures

21. As agreed at the third round of informal talks, delegations from the parties and neighbouring States met with representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR) in the presence of my Personal Envoy and my special representatives in Geneva on 24 and 25 January 2012 (see paras. 67-70).

F. Ninth round of informal talks

22. From 11 to 13 March 2012, a ninth round of informal talks was held at the Greentree Estate. The parties discussed and disagreed sharply on the purpose of the negotiating process. Morocco argued that the process was meant to negotiate the details of its autonomy proposal in preparation for a referendum of confirmation. Frente Polisario countered that it was meant to open the door to all possibilities in preparation for a referendum with multiple options. Each side continued to reject the other's proposal as the basis for negotiation.

23. Two previously agreed specific subjects were discussed: on demining, the parties named focal points for further coordination and cooperation with the United Nations Mine Action Service; and on natural resources and the environment, they confirmed their intention to provide the United Nations not only with focal points but also with all available information on natural resources and the state of the environment. This will permit experts from the United Nations Environment Programme (UNEP) to begin building a database as a foundation for future discussions on the state of the environment and natural resources, including an examination of the legal aspects of current exploitation.

24. In terms of confidence-building measures, the parties and neighbouring States welcomed UNHCR plans to lease larger aircraft for family visits (see para. 67), thus greatly increasing the number of beneficiaries, and its intention to explore the possibility of arranging access to Internet cafes for separated families. They also agreed to work with UNHCR to hold two inter-Saharan cultural seminars, provisionally in June and October 2012, focusing, respectively, on the role of women and the significance of the tent (*al-khaima*) in Hassaniyya culture.

25. With regard to the next steps, the parties and neighbouring States looked forward to the renewal of the MINURSO mandate, welcomed the intention of my

Personal Envoy to travel to the region, including an extensive visit to Western Sahara in May 2012, and agreed to hold the next two rounds of informal talks in June and July, prior to the beginning of the Muslim month of fasting.

IV. Activities on the ground

A. Military activity

26. As at 15 March 2012, the military component of MINURSO stood at 228 personnel, including the Force Commander, administrative personnel and medical unit officers, against the authorized strength of 231. The Mission currently has six female military observers, from Ghana, France, Mongolia, Nigeria and Uruguay. There are also three female personnel — one doctor and two nurses — with the medical unit of Bangladesh. I would welcome further deployments of female officers by troop-contributing countries, both for operational reasons and to improve the Mission's gender balance. During the reporting period, the average monthly number of French-, Spanish- and Arabic-speaking military observers in the Mission was 20, 31 and 30, respectively, comparable to the previous reporting period.

27. The military component remains deployed at nine team sites and at liaison offices in Tindouf and in Dakhla. From 16 March 2011 to 15 March 2012, MINURSO performed 8,335 ground patrols and 530 aerial patrols, including air reconnaissance, to visit and monitor units of the Royal Moroccan Army and the military forces of Frente Polisario for adherence to the military agreements.

28. MINURSO continued to maintain good relations and communications with the Royal Moroccan Army and with the Frente Polisario, albeit with divergences of opinion between the Mission and each party regarding compliance with military agreement No. 1, particularly concerning the status of long-standing violations. Both sides continued to abstain from direct contact with each other; all known contact between the two armed forces continued to take the form of written communications through MINURSO.

29. MINURSO observed and recorded 25 new violations of the military agreement by the Royal Moroccan Army, compared with 126 recorded during the previous reporting period. The violations in the restricted area included the construction of new buildings, the deployment of heavier calibre artillery pieces to replace older equipment in the Smara and Mahbas subsectors, the construction of an antenna tower for a global system for mobile communications (GSM) and the installation of a new mobile radar in the Smara subsector, bringing to 47 the total number of mobile and fixed-radar violations since 2005.

30. In October 2011, the Royal Moroccan Army requested authorization from MINURSO to build nine towers with associated shelters to deploy GSM antennas, eight inside the restricted area and one in the area of limited restrictions. MINURSO did not approve the requests for the eight antennas inside the restricted area, which would constitute violations of the military agreement by virtue of the location, communications and tactical advantages that GSM technology conveys. The construction of one GSM tower within a Royal Moroccan Army compound inside the restricted area was confirmed by MINURSO in December 2011 to be a violation. The Royal Moroccan Army contested the violation confirmation by letter, indicating

that the antenna installation was for civilian purposes that were outside the scope of military agreement No. 1.

31. The Royal Moroccan Army also constructed four new stone walls, continued to extend the existing six stone walls and increased the lengths of the two trenches in the Bir Gandouz area in contravention of military agreement No. 1.

32. During the reporting period, MINURSO monitored the 314 Royal Moroccan Army observation posts that have been considered, since 2009, as a temporary deployment line 15 km west of the berm (S/2009/200, para. 21). Solid sl. ers have now replaced tent accommodations in 251 of the observation posts, in order to shield the troops from weather conditions. MINURSO continued its efforts to resolve these issues in compliance with military agreement No. 1.

33. MINURSO observed and recorded seven new violations by the military forces of Frente Polisario, compared with 12 recorded in the previous reporting period. The violations were primarily related to Frente Polisario military personnel and equipment entering or travelling through the buffer strip.

34. Long-standing violations committed by the Royal Moroccan Army rose from eight, during the previous reporting period, to nine, with the replacement of 130mm by 155mm artillery pieces in subsector Houza in November 2011, for a total of 59 long-standing violations. The total of long-standing violations committed by Frente Polisario decreased from four to three, with the withdrawal of an anti-aircraft artillery gun from one of its observation posts in the restricted area. My Special Representative and the MINURSO Force Commander held several meetings with the senior military officials of each side to clarify the ceasefire requirements and urge strict compliance by the parties with the provisions of military agreement No. 1. While both parties have suggested that the agreement should be revised, their intended adjustments are mutually exclusive. Frente Polisario maintains that closer monitoring of all aspects of Moroccan activity west of the berm is required in order to uphold the ceasefire and agreement provisions. For its part, the Royal Moroccan Army holds that its violations of the agreement, primarily in the form of new construction in the restricted area, are preventative safety and security responses to evolving regional security threats. It also maintains that the civilian purpose and construction of the GSM facility (see para. 30) does not come under MINURSO oversight, despite the restricted area location.

35. In this vein, the Permanent Representative of Morocco to the United Nations wrote to me or to the Under-Secretary-General for Peacekeeping Operations on three occasions to contest MINURSO reports of Royal Moroccan Army violations of the military agreement, indicating that the actions were either not violations or were justified by the need to secure the southern area against illegal activities and security challenges in the region. The Mission continues to work with both parties towards agreed, identical amendments of the agreement, although the distance between their positions has not decreased.

36. The increase in restrictions on the freedom of movement of MINURSO military observers cited in my previous report was reversed during the reporting period. A single freedom-of-movement violation was committed by the Royal Moroccan Army on 5 May 2011, when MINURSO was prevented from visiting company headquarters in subsector Bin Gandouz; no movement restrictions were imposed by Frente Polisario.

37. MINURSO received 14 allegations of violations of military agreement No. 1 from the Royal Moroccan Army concerning claimed incursions by Frente Polisario in the buffer strip. Frente Polisario submitted three allegations of violations concerning claimed Royal Moroccan Army helicopter overflights and berm repositioning. After an investigation conducted by MINURSO, the allegations were either not confirmed or could not be confirmed due to lack of evidence.

38. MINURSO received and reviewed 251 requests from the Royal Moroccan Army regarding the construction or maintenance of buildings and facilities inside the restricted area and the destruction of mines and explosive remnants of war. Ninety-one of the requests concerned new constructions of buildings inside existing compounds; 85 were for time extensions for the completion of projects already approved; 29 were for maintenance activities; and 46 were for the destruction of ammunition. Of those requests, MINURSO approved 245 and rejected six. MINURSO received and approved one Frente Polisario request regarding the construction of a guard post near a team site.

39. MINURSO received 225 notifications from the Royal Moroccan Army concerning firing and tactical training exercises, the movement of troops, equipment and weapons, VIP and maintenance helicopter flights, and the destruction of mines and explosive hazards in the area of limited restrictions. MINURSO received 12 notifications from Frente Polisario concerning firing and tactical training exercises, the movement of troops, equipment and weapons, and visits in the area of limited restrictions. MINURSO monitored all the notified activities.

40. Within its capabilities, MINURSO provided medical support for the UNHCR programme on confidence-building measures and emergency medical services, including casualty evacuation, to the local population on a humanitarian basis. During the reporting period, one such evacuation was carried out east of the berm.

41. Helicopter operations continued to be the most effective method of monitoring compliance by the parties with military agreement No. 1 since they can cover large areas of ground in a short time. Due to budget cutbacks for the 2011/12 budget period, the Mission's helicopter fleet was reduced from three to two, which had a detrimental effect. Helicopter reconnaissance patrols were reduced and overall air patrols have been reduced by approximately 25 per cent.

42. With the increase in monitoring requirements related to the growth in military infrastructure west of the berm, the MINURSO military component needs to be strengthened. Military observers on the west side visit 570 units and monitor 29 training areas, 314 observation posts along a second deployment line west of the berm and the several long-standing stone wall and trench violations in the Bir Gandouz subsector. East of the berm, the military observers regularly visit 93 units, 8 training areas and 38 observation posts. The military observers also monitor the security situation to keep the Mission abreast of illegal activities that could affect the safety of the observers in the area. It is assessed that an additional 15 military observers are necessary to address the increase in monitoring requirements.

B. Substantive civilian activity

43. My Special Representative continued to maintain regular contacts with the parties to discuss MINURSO mandate implementation and Mission operational matters and to employ his good offices function to promote the resolution of the technical issues between them. Recurring meetings were held with Moroccan and Frente Polisario authorities and with the diplomatic community in Rabat and Algiers.

44. MINURSO political affairs and public information officers continued to monitor and report on developments in the Territory and the region, supported my Special Representative's good offices and liaison activities with the parties, regional officials and diplomatic corps, and through that reporting, assisted in keeping the Personal Envoy informed of developments in and related to the Territory. The Mission's political office maintained constructive relations with the respective Moroccan and Frente Polisario Coordinators with MINURSO and relevant authorities, as envisioned under the political office functions set out in Security Council resolution 1056 (1996), and briefed and periodically accompanied organizational, foreign and media visitors to the Territory. Opportunities to facilitate any other effort that could help to set the parties on a course towards an agreed formula for the resolution of their differences were limited; the office thus focused its efforts on local developments and situational analysis, drawing on open source information.

45. To the extent possible, the substantive civilian staff observed the various and largely peaceful demonstrations and protests held in the Territory throughout the reporting period. In the Tindouf area, the MINURSO liaison office observed the proceedings of the 13th Frente Polisario Congress and the preceding youth protests calling for Polisario reforms. As indicated in paragraph 5, my Special Representative and a political affairs officer deployed to Dakhla separately in the aftermath of the September 2011 clashes to calm and assess community tensions. The Moroccan authorities objected to MINURSO involvement, indicating that the Mission had strayed beyond its mandate. They also advised the Mission that no MINURSO office presence could be established outside Laayoune.

46. Below the level of the Special Representative, all civilian meetings are requested through and approved by the Moroccan Coordinator with MINURSO west of the berm and the Frente Polisario Coordinator with MINURSO in Tindouf. Freedom of movement is unhindered west of the berm, but access to external contacts is controlled, and monitored, which has an effect on interaction with the full spectrum of local interlocutors. In parallel, the Moroccan police presence outside the compound discourages visitors from approaching MINURSO in an independent capacity. There have also been indications that the confidentiality of the communications between MINURSO headquarters and New York has, at least on one occasion, been compromised. East of the berm, the Territory is sparsely populated; relations between Mission personnel and the civilian population are unrestricted but infrequent. For interactions with Frente Polisario officials in the Tindouf area, the practice has evolved to include seeking assistance with arrangements from the Frente Polisario Coordinator. In visits to the refugee camps, Algerian gendarmerie escort MINURSO civilian personnel midway from the airport to the camps. After the 23 October 2011 abduction of three humanitarian workers

from the Tindouf area (see para. 51), Frente Polisario also escorts MINURSO personnel from the midway point to the camps.

C. Mine action

47. The widespread contamination caused by landmines and explosive remnants of war throughout Western Sahara continues to pose threats to the local population, MINURSO military observers and logistics teams. Since the August 2009 accident involving four military observers, the Mission has continued to take steps to ensure the safety of United Nations personnel, with the enhanced assistance of the Mission's Mine Action Coordination Centre being a key element.

48. A fatal accident occurred east of the berm, involving a local explosive ordnance expert in the course of his duties. Mine action activities east of the berm are supported by the Mission and the Voluntary Trust Fund for Assistance in Mine Action and are implemented by a partnership between the non-governmental organization, Action on Armed Violence, and the commercial contractor, Mechem. With staff from the local population trained in explosive ordnance disposal, the teams destroyed 8,260 items, including aircraft bombs, artillery projectiles, tank munitions, mortar bombs and hand grenades, in more than 500 contaminated locations. Of the 229 areas known to have cluster munitions remnants, the teams cleared 209. Trading posts and vegetable farms were established along previously contaminated routes, and a school was built on land previously contaminated with cluster munitions. More than 300 km^2 of known minefields remain to the east of the berm.

49. West of the berm, six accidents, resulting in two fatalities and injuries to eight civilians and four military personnel, were reported by the Royal Moroccan Army. The scope of contamination is not fully known west of the berm. The Royal Moroccan Army reported the destruction of 9,026 mines and 461 unexploded ordnance during the reporting period.

50. In an effort to expand confidence-building and technical cooperation, my Special Envoy requested the Acting Director of the United Nations Mine Action Service to visit the region in July 2011. The mission was welcomed by both parties and included constructive discussions on the implementation of international mine action standards on both sides of the berm, the use of mechanical assets to accelerate clearance, the stockpile destruction of anti-personnel mines east of the berm and the potential marking of the barrier minefield along it.

D. Safety and security

51. The area of operation was not immune from the repercussions of instability elsewhere. Of grave concern, one Italian and two Spanish humanitarian workers, who were engaged with aid groups working in the refugee camps, were kidnapped from Rabouni, near Tindouf, on 23 October. They have not yet been released. Some sources have indicated that the "Movement for Unity and Jihad in West Africa", said to be an Al-Qaida splinter group in the Islamic Maghreb, has claimed responsibility.

52. Following the abductions, my Special Representative in Western Sahara led a delegation, comprising MINURSO security and military personnel and Geneva-

based UNHCR representatives, joined by security experts from the United Nations country team in Algeria, to Algiers and Tindouf for discussions with officials of the Government of Algeria and Algiers-based diplomats on the incident, as well as for on an examination of security enhancements for United Nations and humanitarian personnel in the area. The delegation also visited the refugee camps in Rabouni, meeting with United Nations staff and Frente Polisario officials for the same purposes. MINURSO took immediate steps to ensure the safety of all personnel in both Tindouf and east of the berm, involving strengthened cooperation and security measures, movement restrictions, raising the security level in Tindouf and east of the berm, as well as operational adjustments and team site fortifications.

53. The abduction incident was the first of its kind since the Mission was established. The instability of the security situation in the region poses a spillover risk to unarmed military observers operating in proximity to porous borders east of the berm and is a matter of concern. In the aftermath of the incident and amid a reported increase in the regional operations of the Movement for Unity and Jihad in West Africa, and in criminal activities and weapons proliferation in the Sahel after the October 2011 fall of the Libyan regime, MINURSO reviewed security conditions and updated its security risk assessment for all team sites east of the berm, where military observers are posted in remote locations, are isolated from Frente Polisario support units and are vulnerable to potential attacks. In cooperation with Frente Polisario, the Mission took additional risk mitigation measures, including 24-hour static security guards. It also improved team site fencing and lighting, siren and alarm installation, surveillance cameras and monitors, and satellite vehicle tracking systems.

E. Persons unaccounted for in the conflict

54. The International Committee of the Red Cross continued to work with the parties and families concerned in pursuing the question of persons still unaccounted for in relation to the conflict.

F. Assistance and protection to Western Saharan refugees

55. The Office of the United Nations High Commissioner for Refugees, the World Food Programme (WFP), the World Health Organization and the United Nations Children's Fund (UNICEF) continued to provide protection and assistance to Western Saharan refugees in the camps near Tindouf. The organizations also worked with the European Community Humanitarian Office, the Spanish Agency for International Cooperation and Development and several international and local non-governmental organizations to provide the assistance in this regard. UNHCR enhanced its protection presence and monitoring through direct interaction with the refugees, constructing new field offices in all the camps to bring services closer to them. It also supported legal establishments operating in the Tindouf camps and provided incentives and training to lawyers and judges.

56. During the reporting period, the main areas of support comprised food and water distribution, sanitation, education, transport and logistics, health, agriculture, shelter, protection, and community services. Pending an assessment of the beneficiaries, WFP continued to provide 90,000 general food rations and 35,000

supplementary general food rations to the most vulnerable refugees each month, while UNHCR added complementary food. The two agencies also conducted 45 general food basket distribution visits to different food distribution points in the camps each month, as determined by a joint needs assessment.

57. UNHCR and WFP, through their implementing partner, Algerian Red Crescent, conducted a supplementary feeding programme to moderately malnourished children under 5 years of age, and to pregnant and lactating women in all camps, distributing two new food products, the introduction of which was preceded and accompanied by education campaigns to ensure their acceptance and effective use.

58. UNHCR also provided support to the nursing school, conducting training courses for nurses and midwives and supplying products and teaching aids. It continued to support the community-based therapeutic centre programme and provided the Saharan health facilities with the needed consumables for dental clinics, X-ray services and the required laboratory reagents/equipment, covering about 70 per cent of the total need. In order to increase awareness about sexually transmitted infections, UNHCR initiated a pilot project focusing on HIV/AIDS and hepatitis. UNICEF continued to implement its Expanded Programme on Immunization, including capacity-building and cold chain maintenance to protect children.

59. UNHCR continued to provide support to a number of vocational centres for women, youth and persons with disabilities during the reporting period. In addition, a UNHCR income-generating agricultural project involving the small-scale manufacturing of sweets in the Dakhla camp was inaugurated.

60. UNHCR rehabilitated six schools in the camps to accommodate the sudden return of Western Saharan students from Libya and to train teachers in curriculum development and pedagogy. Since 2008, 25 students have been recipients of UNHCR scholarships. UNICEF also provided school supplies for the education sector.

61. UNHCR continued to supply the refugees with potable water, constructing new water networks to reduce the cost of water delivery by truck. Solidaridad International, a Spanish non-governmental organization, installed water systems in all the camps with funding from the European Community Humanitarian Office and UNHCR. Local staff members at the Saharan water department were trained on the technical aspects of water treatment.

62. WFP provided logistics support at the warehouses at the extended delivery point, which are managed by the Algerian Red Crescent and the Red Crescent in Western Sahara, on a daily basis. In October 2011, WFP and UNHCR fielded a joint assessment mission, to evaluate the implementation of the operation since the last assessment in 2009, reviewing the gaps in the main sectors of interest — food, health, education and water, sanitation and hygiene. The mission visited all camps, met with camp representatives and sector authorities and collected vital household data.

63. Pursuant to the recommendation contained in my report of 6 April 2010 (S/2010/175, para. 75) and to Security Council resolution 1979 (2011), in which the Council requested UNHCR to maintain its consideration of a refugee registration in the refugee camps, in line with its mandate and principles, UNHCR continued its dialogue with the host country.

G. Confidence-building measures

64. With the cooperation of the parties, UNHCR continued to implement the confidence-building measures programme to facilitate contact and communication between Western Saharan refugees in the Tindouf camps and their families in the Territory west of the berm. MINURSO provided logistics support to the programme through air transport, police officers to facilitate preparations and serve as escorts, and medical staff. Family visits and cultural seminars remain the two fundamental components of the updated plan of action for the measures, as agreed with the parties in January 2012.

65. The confidence-building measures programme encountered unanticipated challenges following the kidnapping of the three humanitarian workers in Rabouni. Following the incident, MINURSO security mitigation measures restricted the movement of United Nations personnel, and UNHCR suspended missions to the refugee camps and postponed family visit flights scheduled between 28 October and 4 November. In coordination with MINURSO, UNHCR undertook an assessment mission to evaluate security arrangements and seek advice and assurances on staff safety from the Government of Algeria and Frente Polisario. The family visit flights resumed on 14 November after the introduction of special security and escort procedures.

66. Between 2004 and the end of 2011, the total number of registered persons in the camps near Tindouf and in the Territory was 42,603. Of this number, 12,316 persons have benefited from the family visit programme. In order to simplify the existing family visit procedures for travel by air, UNHCR conducted a mass verification exercise from 11 July to 11 October for families registered in the confidence-building measures programme. A total of 6,651 persons were verified. Pre-cleared lists of potential families were shared with the parties, from which a final list for each flight will be submitted to both parties. The parties subsequently agreed to the seven-step pre-departure preparation procedures presented by UNHCR to streamline the process. Earlier in the year, UNHCR conducted a general registration exercise for the purpose of maximizing the number of beneficiaries, and to verify and update the old registration lists.

67. In April 2011, UNHCR jointly undertook a road reconnaissance mission with MINURSO to explore the possibility of expanding family visit activity through the inclusion of travel by road. Due to logistics complications and funding requirements, this option did not prove feasible in the short term. During a meeting convened on 24 and 25 January by UNHCR in Geneva, on the confidence-building measures, the parties agreed to maintain — but put on hold — the road option as a possibility to increase the number of beneficiaries. In the interim, they agreed to seek a larger aircraft with a carrying capacity of 150 passengers, potentially increasing the number of beneficiaries of the family visits to 6,000 annually. The UNHCR-chartered aircraft will operate under the same arrangements as MINURSO aircraft under the status of mission agreements with Morocco and Algeria. Now that the aircraft has been secured and is scheduled to commence flights on 11 April, both MINURSO and UNHCR will need to augment their support for the expansion of the programme.

68. From 12 to 16 September, UNHCR organized a seminar in Madeira, Portugal, on Hassaniyya culture, traditional heritage and practices. The seminar was attended

by 34 participants drawn equally from the Territory and from the Tindouf camps in Algeria. At the Geneva meeting on the confidence-building measures, the parties and the two neighbouring countries acknowledged the positive outcome of the seminar and agreed that another cultural seminar should be held in Portugal, in agreement with its Government. UNHCR plans to organize that seminar and an additional such one during the coming period.

69. Following engagement with the parties by the United Nations High Commissioner for Refugees, António Guterres, and my Personal Envoy, UNHCR chaired the meeting on confidence-building measures held on 24 and 25 January. Participants included the representatives of the parties, Algeria and Mauritania as observers, my Personal Envoy and my Special Representative. The participants reaffirmed the importance of the confidence-building measures programme and the need to find ways and means to maximize the links between families who have been divided for 36 years due to the conflict. The parties expressed their commitment to cooperate fully with UNHCR in implementing confidence-building activities, in accordance with its mandate and principles, and to preserve the humanitarian character of the confidence-building measures operation. They also made a commitment to ensuring full and unhindered access by UNHCR to the refugee camps in Algeria and to beneficiaries of the confidence-building measures in the Territory.

70. In addition to the agreements concerning the family visit programme, preparation procedures and suspension of the road option, participants agreed that UNHCR should assess options for the use of new information technologies to facilitate communication links between the families. They also reiterated their agreement to hold at least twice-yearly coordination meetings to review progress on the confidence-building measures programme, discuss issues of mutual concern and support UNHCR in organizing an evaluation of the programme as a lessons learned exercise in 2012, and adopted the updated January 2012 UNHCR plan of action for implementation of the measures.

H. Irregular migrants

71. No irregular migrants were recorded in Western Sahara during the reporting period.

I. Human rights

72. Frente Polisario continued to appeal for the protection of the human rights of Western Saharans and for an independent monitoring mechanism in the Territory during the period. Frente Polisario leader Abdelaziz addressed 17 letters to me alleging violations of the human rights of Western Saharans by Moroccan security forces in various locations of the Territory, involving intervention in or repression of the demonstrations cited in paragraph 2 above. The allegations also concerned the conditions of detention and trial before military courts of Western Saharans suspected of involvement in the November 2010 Gdim Izik violence, as well as repression by Moroccan security forces of demonstrations held in solidarity with the prisoners.

73. The Government of Morocco has provided information to the Office of the United Nations High Commissioner for Human Rights (OHCHR) on actions it has taken regarding the human rights situation in Western Sahara. In the context of the reforms of King Mohammed IV, the Government established a regional commission of the National Council of Human Rights for Laayoune, Boujdour, Smara and Tarfay, and one for Dakhla and Aousserd. Both commissions became operational in December 2011. At this early stage of their existence, it is not possible to evaluate their impact.

74. The Government of Morocco also informed OHCHR of its follow-up on the recommendations made by the Parliamentary Commission of Inquiry, which was established in 2011 to investigate the violence surrounding the dismantling in November 2010 of the Gdim Izik camp near Laayoune. After investigation, the Commission recommended compensation for all victims. The Government reported that a number of Western Saharans who had been victims of violence during the dismantling of the camp, had filed compensation claims and were awaiting a final decision. The Government also noted that other victims (who had not filed claims) had received compensation on the basis of a mediation procedure.

75. During the past year, there were developments regarding Western Saharan activists. On 14 April 2011, the Casablanca Court of Appeals provisionally released Western Saharan activists Ali Salem Tamek, Brahim Dahane and Ahmed Naciri, after 18 months in pretrial detention. They were arrested alongside four other activists in October 2009, upon their return from a visit to the refugee camps in Tindouf. The trial of the seven defendants charged with "harming Morocco's internal security" started in October 2010, but has been postponed repeatedly. A verdict has yet to be announced in the case.

76. The Government of Morocco informed OHCHR that the central prosecutor within the Court of Appeals of Laayoune had ordered an investigation into the violent events of 25 September in Dakhla (see paras. 3 and 4). Following a trial by the same court in relation to the incident, 10 Western Saharans were sentenced to prison terms ranging from 4 to 10 years, on criminal charges. Sixteen others are still detained in a prison in Laayoune pending the completion of their trials.

77. According to information received by OHCHR, some 120 Western Saharans, including women, were tried for a range of charges, including violence against civil servants, before the Laayoune Civil Court of Appeals. They were provisionally released after almost one year in pretrial detention, pending the verdict. In addition, 23 of the 120 are currently facing trial before the Permanent Military Tribunal of the Royal Armed Forces in Rabat, on charges referring to "constitution of criminal gangs and violence against security enforcement officers". As stated by the Human Rights Committee on the right to a fair trial, set forth in article 14 of the International Covenant on Civil and Political Rights, the use of military or special courts to try civilians raises serious problems as far as the equitable, impartial and independent administration of justice is concerned, and should be exceptional and in full compliance with the guarantees under article 14 (CCPR/C/GC/32, para. 22). The Committee has recommended that every individual be tried by ordinary courts or tribunals using established legal procedures in accordance with international human rights instruments.

78. In early November 2011, the above-mentioned group of 23 detainees started a hunger strike in the prison of Salé (located outside Rabat), protesting against their

detention conditions and demanding their release from the prison. After 38 days on the hunger strike, a committee composed of members of the National Council of Human Rights and the National Delegation for Prison Administration — a Moroccan governmental body dealing with prisons — initiated a dialogue with the detainees. Following the assurance of the committee to guarantee the improvement of their detention conditions and to allow national and international observers to monitor future hearings, the detainees agreed to suspend their hunger strike on 7 December.

79. On 13 January 2012, after more than one year of the pretrial detentions, the Permanent Military Tribunal of the Royal Armed Forces in Rabat postponed all further hearings indefinitely, and 2 of the 23 detainees were transferred to a hospital due to critical health conditions. On the same day protests in solidarity with the 23 detainees were reportedly broken up by Moroccan security forces in Laayoune.

80. In November 2011, in its consideration of Morocco's fourth periodic report, the Committee against Torture expressed concern about the alleged use of excessive force by Moroccan law enforcement officers and security personnel. The Committee also raised concern about alleged cases of arbitrary arrest and detention, detention in secret places, torture and ill-treatment, the extraction of confessions under torture and excessive use of force.

81. During the reporting period, OHCHR received allegations of poor detention conditions in the prison of Salé. In addition, alleged acts of torture and degrading treatment in the custody of police forces have been reported to the Prosecutor's Office. It remains unclear as to whether or not investigations into violations by law enforcement personnel have been initiated.

82. While Morocco has not yet formally extended a standing invitation to all special procedures, three were engaged during the reporting period. In the context of her official visit to Morocco, the independent expert in the field of cultural rights visited Dakhla on 14 September 2011. She recommended that measures limiting the cultural rights of the population of Western Sahara should be immediately revoked, and reported that a number of Saharawi had been unable to give their children Hassani names. On 24 February 2012, the Government of Morocco confirmed that the visits to Morocco and Western Sahara by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment would be conducted from 15 to 22 September 2012.

83. From 13 to 20 February 2012, the Working Group on Discrimination against Women in Law and in Practice conducted an official visit to Morocco. Owing to time and logistical constraints, the Working Group was unable to travel to Laayoune or Dakhla in Western Sahara.

84. It is too early to assess the full impact of the Human Rights Council monitoring mechanisms in this context, although some limitations are apparent due to the scope of the remit and structure of engagement by special procedures, which preclude sustained and comprehensive monitoring. There are currently 36 thematic special procedures mandates that address a wide range of human rights issues. Each has a mandate to report and advise on human rights from the individual thematic perspective. Each covers the situation in all States Members of the United Nations and each conducts visits to two or three States annually.

V. African Union

85. MINURSO continued its cooperation with the observer delegation of the African Union, led by its Senior Representative, Ambassador Yilma Tadesse, of Ethiopia. I wish to reiterate my appreciation of the African Union for its contribution. MINURSO continued to support the African Union delegation in Laayoune, with logistics and administrative assistance drawn from its existing resources.

86. On 3 and 4 September 2011, my Special Representative attended a high-level meeting in Cairo, organized by the African Union, where common strategies and enhanced cooperation towards advancing peace in Africa were discussed. The meeting followed up that held in Cairo from 26 to 28 August 2010, jointly organized by the United Nations and the African Union.

VI. Financial aspects

87. The General Assembly, by its resolution 65/304, appropriated the amount of $61.4 million for the maintenance of MINURSO for the period 1 July 2011 to 30 June 2012. Should the Security Council decide to extend the mandate of MINURSO beyond 30 April 2012, the cost of maintaining the Mission until 30 June 2012 would be limited to the amounts approved by the General Assembly. The proposed budget for MINURSO for the period 1 July 2012 to 30 June 2013 in the amount of $58.7 million (exclusive of budgeted voluntary contributions in kind) has been submitted to the General Assembly for consideration during the second part of its resumed sixty-sixth session.

88. As at 19 March 2012, unpaid assessed contributions to the Special Account for MINURSO amounted to $46 8 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $2,440.3 million.

89. As at 19 March 2012, amounts owed to troop contributors totalled $0.43 million. Reimbursement of troop and contingent-owned equipment costs have been made for the period up to February 2011 and October 2010, respectively, due to insufficiency of cash in the special account of the Mission.

VII. Challenges to the Mission's operations

90. In its resolution 1979 (2011), in which it renewed the mandate of MINURSO until 30 April 2012, the Security Council requested that, in my next report, I examine the existing challenges to MINURSO operations, reflecting on the situation on the ground. The challenges fall into three categories: those related to the mandate, military and substantive civilian activities, and the security conditions.

91. In terms of the Mission's mandate, the principal purpose of establishing MINURSO was to organize and supervise a referendum on Western Sahara's self-determination and, as a supportive function, to monitor the ceasefire between the parties and maintain the military status quo. The stalled political process has meant that MINURSO has not been able to implement a referendum or continue organizational preparations for the transition process. The MINURSO mandate is thus de facto restricted to monitoring the ceasefire, and since the original mandate

anticipated an imminent referendum, the Security Council's instructions on ceasefire monitoring were general in nature.

92. The complete suspension of referendum activities in 2003, combined with the diminished international profile of the conflict and changes in the operational environment, have encouraged the parties to develop their own, not always compatible, interpretations of the Mission's mandate. Morocco favours a narrower military peacekeeping operation, while Frente Polisario expects broader monitoring of the welfare of the population and inclusion of a human rights mechanism as in other peacekeeping missions. Such divergent interpretations have led to an approach to the Mission which has, over time, eroded the Mission's authority, weakened MINURSO functions and brought about deviations from standard peacekeeping practices.

93. Challenges related to the military and substantive civilian activities of MINURSO are also grounded in derogations from generally accepted peacekeeping principles, norms and practices. For example, the requirement that MINURSO vehicles display Moroccan diplomatic licence plates and Moroccan flags around MINURSO headquarters create an appearance that raises doubts about the neutrality of the Mission.

94. Military monitoring and reporting of violations suffer from the lack of precise ceasefire terms and the Mission's lack of authority to prevent or rectify non-compliance. Military agreement No. 1, agreed by each side in 1997 and 1998, regulates military equipment, new defensive construction and deployments in the restricted areas adjoining the berm in order to maintain the 1991 status quo. Neither side fully respects the agreement. Morocco stresses the scope of security threats in the southern reaches of the Territory as justification for non-compliant military measures. Previous Frente Polisario irregularities have been attributed to individual commanders, but seem also to have been utilized as a means of protesting the stalemate in the political process. These factors have undermined the Mission's ability to monitor and report consistently on the situation on the ground, and to uphold the spirit and letter of the ceasefire and military agreements and the deterrent effect of the United Nations international presence.

95. MINURSO is responsible for monitoring, assessing and reporting on local developments affecting or relating to the situation in the Territory, maintenance of the ceasefire, and political and security conditions affecting the peace process led by my Personal Envoy. These standard peacekeeping mission functions provide the Secretariat, the Security Council and my Personal Envoy with information and analysis pertaining to the situation in Western Sahara, especially since MINURSO is the only international presence in the Territory apart from a small UNHCR office that facilitates the confidence-building measures programme. Ideally, MINURSO officers would have unfettered access to the full spectrum of interlocutors west of the berm and in the Tindouf area for these purposes, be they local or national officials, opposition activists or civil society leaders.

96. East of the berm, security of MINURSO personnel is a growing concern affecting operational activities. Threats from the deterioration of security in the Sahel, gaps in regional security coordination, reported arms proliferation from the Libya conflict, and resource shortages for border control and for stronger security measures expose military observers to increased risks. Night patrols have been suspended since the 2008 ambush of Mauritanian troops near Mauritania's border

with Western Sahara; MINURSO has also experienced incidents of confrontation with smugglers. Out of concern for the security of MINURSO military observers, Frente Polisario advised MINURSO to limit its movements, following the October 2011 abductions in the Tindouf area. MINURSO and Frente Polisario have put additional security measures in place, though more may be needed depending on further developments and the gravity of security implications.

97. Both parties guarantee MINURSO freedom of movement and access to interlocutors, provided that the parties' forces are treated equally, according to Frente Polisario, and according to Morocco, conditioned by the bounds of established practice. Established practice is at the core of the challenges facing MINURSO operations. It has become increasingly difficult for MINURSO to fulfil mandate implementation requirements in a credible manner, given the constraints that have evolved over time.

VIII. Observations and recommendations

98. During the reporting period, the three rounds of informal talks between the parties, their two meetings on natural resources and confidence-building measures, and the numerous bilateral consultations that my Personal Envoy held with them, confirmed that the parties continue to have the political will to meet, but not as yet to engage in substantive negotiations towards the objective set forth by the Security Council in successive resolutions, namely, "a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara".

99. Each party reads history, the successive resolutions of various United Nations organs, the doctrine and practice of the United Nations, and the domestic, regional and international atmosphere, as well as the consequences of the Arab Spring, as justifying and bolstering its position. The result is positions that present seemingly unbridgeable differences on both the purpose of the negotiating process and the means of satisfying the requirement for self-determination.

100. Frente Polisario argues that Western Sahara is a non-self-governing Territory whose final status must be settled through an exercise of self-determination, as foreseen in Security Council resolutions and defined in General Assembly resolutions. In Frente Polisario's view, the parties must therefore accept the need for several possible options and for a referendum that presents the options to the people of Western Sahara for decision, in line with traditional United Nations doctrine and practice. In addition, Frente Polisario believes that key stakeholders support the positions and that the logic of the Arab Spring requires that the people of Western Sahara enjoy freedom of expression and peaceful assembly to make their views known.

101. Morocco argues that Western Sahara should enjoy advanced autonomy within its sovereignty and that this "compromise" between independence and integration into Morocco is the only solution to the conflict. In Morocco's view, the Council's call for negotiations with "realism and in a spirit of compromise" recognizes Morocco's proposal, and the parties should negotiate the details of autonomy. Furthermore, Morocco believes that current United Nations doctrine and practice allow for self-determination through negotiations and a confirmatory referendum, that important stakeholders support these positions, and that the logic of the Arab

Spring has been applied to Western Sahara by extending Morocco's democratic reforms to the Territory.

102. Despite the manner in which the parties read domestic, regional and international developments, it is clear that the environment surrounding the conflict is changing on many levels. Over time, the changes could enable the parties to begin modifying their positions on the purpose of the negotiating process and the means of satisfying the requirement for self-determination. In so doing, they could present new opportunities for a settlement that enjoys the support not only of the parties but also, importantly, of the people of Western Sahara.

103. However, it is also possible that, despite changes in the environment, the parties will continue to hold to their mutually exclusive positions as enshrined in the two proposals presented to the Council in April 2007, with the result that the status quo is likely to persist. The consequences of such a situation would merit close attention in time.

104. Absent a new framework, my Personal Envoy will continue his established pattern of activities, including those outlined in paragraph 120 of my previous report. To that end, he will continue to explore the possibility of convening a group reflecting a cross-section of the people of Western Sahara for consultations and dialogue as a way of generating new ideas to present to the negotiators. In addition, he will explore the possibility of convening a group of respected representatives from the five states of the Arab Maghreb Union for the same purpose, in recognition of the fact that the Western Sahara conflict is North Africa's remaining major dispute.

105. As another means of fostering the development of new ideas, my Personal Envoy will also encourage the parties to facilitate visits by diplomats, legislators, journalists and others to permit the international community to gain a greater understanding of the views of those directly affected by the conflict. Ultimately, any settlement that the parties reach will require the support of the people of Western Sahara for it to be just, lasting and mutually acceptable and if future tensions are to be avoided.

106. As noted in my previous report, addressing human rights issues is also important for the larger resolution of the conflict. All parties have responsibilities to ensure the protection of human rights. Efforts have been undertaken in this regard, but human rights issues continue to be raised with regard to the people of Western Sahara, demonstrating that concerns still exist. It is important that the mechanisms to address the situation, as envisaged in paragraph 121 of my previous report, are given full and immediate effect. Hence, the efforts noted require further and more focused engagement with the situation in Western Sahara and the camps.

107. I welcome the anticipated family visit capacity expansion to increase the number of refugees and their family members, divided by the conflict for many years, who can benefit from the programme, and recommend an increase of six MINURSO police officers to support the expansion. I also note the successful inter-Saharan cultural seminar, and the parties' commitment to continue constructive cooperation with UNHCR in the effort to alleviate the divisive effects of the conflict. I would also like to thank Algeria and Mauritania for their support of the humanitarian family visit programme.

108. I am pleased to note the progress made in the clearance of landmines and explosive ordnances of war and the decrease in mine accidents recorded since my previous report. These invaluable activities contribute directly and positively to the safety of the civilian population as well as of United Nations personnel. I also note the positive reception and constructive discussions held by each party with the United Nations Mine Action Service on the implementation of International Mine Action Standards on both sides of the berm. To sustain this vital work, I call upon donors to support the efforts of the parties and of MINURSO in order to take advantage of the progress and investments made to date.

109. At present, the main tasks of MINURSO comprise monitoring of the ceasefire agreement between the parties; reporting on the military activities of both sides and on developments in and affecting the Territory; demining activities; and the provision of logistic support to the UNHCR confidence-building measures programme. Within the constraints in which it operates, MINURSO has maintained its ceasefire monitoring function, and its presence on the ground has played an important role in deterring the parties from breaking the ceasefire agreement or resuming hostilities. It has made good progress in demining, clearing vast areas of the Territory and effectively facilitating the family exchange visits under UNHCR auspices.

110. In monitoring the ceasefire agreement, the MINURSO military observers contend with a range of situational and capacity challenges in the course of their duties. They monitor a total area of 104,000 km^2 and, within it, the berm of 1,600 km. Lacking the capability to cover the entire 266,000 km^2 of the Territory, the military observers now focus their main monitoring efforts on the berm and the restricted areas on either side, through ground patrols and air reconnaissance, in order to observe and report on compliance with the ceasefire under the terms of military agreement No. 1. The military observers perform a number of related tasks that are equally critical to the deterrence role of the Mission, in order to assure each side of the other's non-aggressive intentions and to resolve issues or tensions when they arise. They investigate and verify violations of military agreement No. 1 and respond to requests concerning prohibited activities and notifications of permissible activities from both parties. In addition, the military observers investigate, to the best of their abilities, the allegations of one side against the other and ensure that each side is duly informed of the conclusions.

111. The Mission's ability to fully monitor and assess the situation in the Territory and to interact with the full spectrum of interlocutors is essential, as illustrated in the context of the violence in Dakhla following a sports event. I regret the loss of life in the ensuing clashes on 25 September and am concerned by the evidence of simmering community tensions in the western part of Territory, another consequence of the absence of a peace agreement between Morocco and Frente Polisario, and the continuing status quo in Western Sahara. I am equally concerned by the deterioration of security conditions in the region, which expose the military observers east of the berm to uncertain risk. I express my sympathy to the humanitarian workers abducted from Tindouf and their families and appeal for the victims' immediate and unconditional release.

112. I have outlined a series of challenges in the present report, which demonstrate that MINURSO is unable to exercise fully its peacekeeping monitoring, observation and reporting functions or avail of the authority to reverse the erosion of its mandate

implementation capabilities on its own. I seek the Council's support to sustain the peacekeeping instrument, as it was intended to operate, for three critical purposes: (a) as an instrument of stability in the event that the political stalemate continues; (b) as a mechanism to support implementation of successive Security Council resolutions related to the mandate of MINURSO; and (c) to provide independent information on conditions on the ground to the Secretariat, the Security Council and the international community. A United Nations operation on which both parties rely, which is able to function as a neutral arbiter between the sides and as a solid deterrent to further changes in the military status quo, would return MINURSO operations to the norms and standards expected of contemporary peace operations.

113. As a guarantor for the stability of the ceasefire, and as a visible commitment of the international community to achieve a resolution of the conflict, I believe that the presence of MINURSO remains relevant. I therefore recommend an increase of 15 military observers to bolster its monitoring capacities. In the light of the challenges described in the present report, I seek the assistance of the Security Council in reasserting the mandated role of MINURSO, upholding peacekeeping standards and United Nations neutrality, and ensuring that the minimum conditions for the successful operation of the Mission are met. I call on both parties, Morocco and Frente Polisario, to cooperate fully with MINURSO in achieving these objectives. In this context, and in the light of the continuing efforts of my Personal Envoy, I recommend that the Security Council extend the mandate of MINURSO for a further 12 months, until 30 April 2013.

114. In conclusion, I wish to thank Christopher Ross, my Personal Envoy, for his tireless diligence in working with the parties towards a just and lasting and mutually acceptable political solution that will provide for the self-determination of the people of Western Sahara. I also thank my Special Representative in Western Sahara, Hany Abdel-Aziz, as well as Major General Abdul Hafiz of Bangladesh, who assumed his duties as MINURSO Force Commander on 24 July 2011, for their able and dedicated leadership of MINURSO. I wish to thank the former MINURSO Force Commander, Major General Jingmin Zhao of China, who returned home on 10 April 2011 after a distinguished tenure in Western Sahara. Finally, I also thank the women and men of MINURSO for the work they are performing in difficult circumstances, to fulfil the Mission's mandate.

Annex

United Nations Mission for the Referendum in Western Sahara

Contributions as at 31 March 2012

Country	*Military observers*[c]	*Troops*[a]	*Civilian police*[b]	*Total*
Argentina	3	0	0	3
Austria	2	0	0	2
Bangladesh	9	20	0	29
Brazil	10	0	0	10
Chad	0	0	1	1
China	7	0	0	7
Croatia	6	0	0	6
Djibouti	2	0	0	2
Egypt	23	0	1	24
El Salvador	3	0	3	6
France	13	0	0	13
Ghana	10	7	0	17
Guinea	5	0	0	5
Honduras	12	0	0	12
Hungary	6	0	0	6
Ireland	3	0	0	3
Italy	5	0	0	5
Jordan	0	0	2	2
Malawi	3	0	0	3
Malaysia	12	0	0	12
Mongolia	4	0	0	4
Nepal	5	0	0	5
Nigeria	8	0	0	8
Pakistan	11	0	0	11
Paraguay	5	0	0	5
Poland	1	0	0	1
Republic of Korea	4	0	0	4
Russian Federation	18	0	0	18
Sri Lanka	3	0	0	3
Uruguay	1	0	0	1
Yemen	9	0	1	10
Total	**203**	**27**	**8**	**238**[c]

[a] Authorized strength is 231, including the Force Commander.
[b] Authorized strength is 6.
[c] Actual strength on the ground, for military and civilian police, including the Force Commander.

MOROCCO
ALGERIA
MAURITANIA
Western Sahara
ATLANTIC OCEAN
CANARY ISLANDS
Agadir
Tiznit
Sidi Ifni
Goulimine
Tantan
Zag
Tindouf
Tarfaya
Laayoune
Mahbas
Hawza
Al Farsia
Smara
Boucraa
Bir Lahlou
Mehairez
Tifariti
Bir Moghrein
Bouidour
Guelta Zemmur
Chalea
Oum Dreyga
Dakhla
Baggary
Mijek
Zouerat
Awsard
Agwanit
Dougaj
Bir Gandouz
Tichla
Zug
Guerguerat
Bou Lanuar
Nouadhibou
La Guera
Choum
Atar
Las Palmas
Lanzarote
La Palma
Tenerife
Fuerteventura
Gomera
Hierro
Gran Canaria
HQ MINURSO
BANGLADESH
LO
MINURSO
April 2012
Medical unit
Liaison office
UN team site
Provisional LO
Berm
Paved road
0 50 100 150 200 km
0 50 100 mi
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
Map No. 3691 Rev. 67 UNITED NATIONS
April 2012
Department of Field Support
Cartographic Section